

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	
Plaintiff,	:	No. 5:24-CV-05338-JFL
	:	
v.	:	Judge Joseph F. Leeson, Jr.
	:	
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants	:	

**BRIEF IN SUPPORT OF DEFENDANTS’ MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFF’S AMENDED COMPLAINT
(DOC. NO. 4)**

Defendants County of Lancaster, Tammy Bender, Jacqueline Pfursich, Joshua Parsons, Ray D’Agostino, and Christa Miller (collectively, “Defendants”), by and through their undersigned counsel, submit this memorandum of law in support of their concurrently filed Motion for Extension of Time to respond to the Amended Complaint filed by *pro se* Plaintiff Michael Miller on October 12, 2024 (Doc. No. 4). Considering the length of the Amended Complaint (80 pages), number of claims (12), and difficult personal circumstances encountered by counsel (discussed below), Defendants respectfully request that the Court grant their Motion for Extension of Time and afford Defendants a modest 14-day extension of time until November 20, 2024 to respond to the Amended Complaint.

I. STATEMENT OF FACTS

Plaintiff initiated this action on October 5, 2024, by filing a Complaint in this Court against Defendants. (Doc. No. 1.) Plaintiff did not serve the Complaint. Plaintiff filed an Amended Complaint on October 12, 2024 (Doc. No. 4), which he served on Defendants on October 16, 2024 (Doc. No. 7).¹ By operation of Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' response to the Amended Complaint is due November 6, 2024.

This case is a continuation of Plaintiff's frivolous attempt to use the federal courts to overturn decisions by state officials under Pennsylvania's Right to Know Law. The Amended Complaint asserts a variety of claims against Defendants, including state and federal constitutional claims. (*See generally* Doc. No. 4). These claims arise from circumstances that occurred over two years ago. (Doc. No. 4, ¶¶ 1-14). Recently, the Middle District of Pennsylvania dismissed a similar complaint filed by Miller, which Miller has appealed to the U.S. Court of Appeals for the Third Circuit. *See Miller v. County of Lancaster, et al.*, No. 24-2934 (3d Cir. 2024).

¹ Plaintiff appears to have served the document that was filed with this Court, which is the Amended Complaint at Docket Number 4 (Doc. No. 4). As the Amended Complaint notes, though, although the Amended Complaint makes reference to various exhibits, Plaintiff did not include those exhibits with the Amended Complaint filed with the Court or served on Defendants and, rather, intends to provide such exhibits in the course of discovery. *See* Doc. Nos. 4, 9.

On the date the Amended Complaint was served, undersigned Attorney Hyser-Staub suffered a personal family tragedy and has been working with limited availability since then. On October 22, 2024, undersigned counsel advised Plaintiff of these circumstances and their intent to seek a 60-day extension of time to respond to the Amended Complaint. Plaintiff declined to concur in this request. On October 29, 2024, undersigned counsel reduced the requested extension to 14 days and sought Plaintiff's concurrence again, but he declined to concur a second time, citing concerns about the timely resolution of his claims.

II. STATEMENT OF THE QUESTION INVOLVED

Should this Court grant Defendants a 14-day extension to respond to Plaintiff's Amended Complaint, where good cause supports the requested extension, and the requested extension would not result in undue prejudice or delay?

Suggested Answer: Yes.

III. SUMMARY OF ARGUMENT

Defendants respectfully submit that the requested 14-day extension is warranted. Given the numerous claims in the Amended Complaint that require review and counsel's limited availability due to unforeseen circumstances, good cause supports the requested extension. A 14-day extension will not result in undue delay or prejudice to Miller's ability to pursue these claims, which he has been serially litigating for over two years.

IV. ARGUMENT

Defendants respectfully request that the Court grant the instant Motion and allow Defendants an additional 14 days, until November 20, 2024, to respond to the Amended Complaint. The Court may grant the requested extension upon a finding of good cause. *See* Fed. R. Civ. P. 6(b)(1) (noting that the Court, may, “for good cause,” extend the applicable time period “[w]hen an act may or must be done within a specified time”).

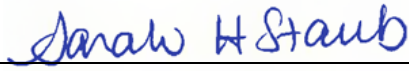
Good cause is shown by the Amended Complaint’s extensive allegations and claims requiring additional time for review, coupled with counsel’s recent personal tragedy that has impacted Defendants’ ability to prepare a response. No undue delay or prejudice to Plaintiff will result from a 14-day extension, given that 14 days is a reasonable time period and there is no suggestion that granting the extension would hinder or otherwise negatively impact Plaintiff’s ability to litigate this case.

V. CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court grant the requested extension of time and permit Defendants to respond to Plaintiff’s Amended Complaint (Doc. No. 4) on or before November 20, 2024.

Respectfully submitted,

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